

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) Case No. 8:14CR290
Plaintiff,)
vs.)
TONY NUNN,)
Defendant.)

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#51). On December 31, 2014, Pretrial Services Officer Theresa Rerucha submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

7. The defendant shall:

(a) truthfully report to the United States Pretrial Services Agency as directed [telephone no. (402) 661-7560] and comply with their directions.

(o) Defendant shall submit to any method of testing at his/her own expense as required by the officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and may include urine testing, the wearing of a sweat patch, blood tests, and/or a remote alcohol testing system. Defendant shall not obstruct or attempt to obstruct or tamper in any fashion with the efficiency and accuracy of any substance testing equipment, nor submit samples of body fluids which are not his/her own, nor otherwise adulterate any samples submitted for testing. All collections of fluids for testing shall be at the defendant's expense, payable at the time of collection.

Tony Nunn has failed to report to Pretrial Services for weekly in office check ins on 3 separate occasions: December 16, 2014; December 23, 2014; and December 30, 2014. This is in violation of condition 7(a).

Tony Nunn has failed to report for scheduled drug testing on two occasions: December 17, 2014; and December 29, 2014. This is in violation of condition 7(o).

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on January 9, 2015. Justin Eichmann represented Defendant. Martin Conboy, Assistant United States Attorney,

represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Theresa Rerucha dated January 8, 2015,. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#25) should be revoked. I find Defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure Defendant's presence for further proceedings, or the safety of the community if Defendant were to be released upon conditions.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#51) is granted;
2. The August 27, 2014, Order Setting Conditions of Release (#25) is hereby revoked; and
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 9th day of January 2015.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge